

**EIGHTH DAY**

(Tuesday, January 24, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Hall

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
January 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 13, In memory of John W. Runyon.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Resolution 36**

Senator Hightower offered the following resolution:

Whereas, It has been the custom to have the photographs of the Governor, Lieutenant Governor, Senators, and Secretary of the Senate prepared in a block picture and placed in the Senate Chamber at the end of each legislative session; and

Whereas, It is the desire of the Senate to honor the children of the Members of the Senate as mascots; now, therefore, be it

Resolved, That all sons of the Members of the Senate who have not reached their fifth birthday are hereby elected mascots of the Senate, and that their pictures be included in the block picture of the Senate; and, be it further

Resolved, That all daughters of the Members of the Senate who have not reached their fifth birthday are hereby elected sweethearts of the Senate and their pictures be included in the block picture of the Senate; and be it further

Resolved, That this Resolution shall not include the children previously named mascots or sweethearts in the Senate, and whose pictures appear on existing block picture panels of the Senate; and be it further

Resolved by the Senate of Texas, That a committee of three (3) Senators be appointed to arrange to have the photographs made of the Governor, Lieutenant Governor, Senators, Secretary of the Senate, Mascots, and Sweethearts, and that said photographs be arranged in block panel and placed in the Senate Chamber, the expenses for which are to be paid out of the contingent fund of the Senate.

The resolution was read and was adopted.

The President announced the appointment of the following as a Committee pursuant to the provisions of the above resolution:

Senators Hightower, Ratliff and Kennard.

**Messages From the Governor**

The following messages received from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas,  
January 23, 1967.

To the Senate of the Sixtieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Secretary of State: John L. Hill of Houston, Harris County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas.

Austin, Texas,  
January 23, 1967.

To the Senate of the Sixtieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Commissioner of Labor Statistics, for a two-year term to expire January 31, 1969: Charles H. King, Jr., of Dallas, Dallas County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas.

Austin, Texas,  
January 23, 1967.

To the Senate of the Sixtieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Adjutant General: Major General Thomas S. Bishop of Austin, Travis County.

To be Assistant Adjutant General: Brigadier General James D. Scott of Austin, Travis County.

To be Assistant Adjutant General for Air: Brigadier General James M. Rose of Austin, Travis County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas.

#### Motion for Executive Session

Senator Blanchard moved that the Senate go into Executive Session at 11:45 o'clock a.m. today.

There was objection.

#### Notice of Executive Session

Senator Blanchard gave notice that he would move for an Executive Session at 11:30 o'clock a.m. on tomorrow.

#### Report of Standing Committee

Senator Christie submitted the following report:

Austin, Texas,  
January 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 44, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice-Chairman.

#### Senate Bill 44 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent S. B. No. 44 was ordered not printed.

#### Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Hardeman:

S. B. No. 47, A bill to be entitled "An Act to amend Article 14.14 Subdivision (A) and Article 14.18 of Chapter 14 of Title 122A—"Taxation-General" of Revised Civil Statutes of Texas, 1925, relating to Inheritance Taxes; and declaring an emergency."

To the Committee on State Affairs.

By Senators Hardeman and Bates:

S. B. No. 48, A bill to be entitled "An Act amending Chapter 426 of the Acts of the 58th Legislature, Page 1100 of the Session Laws of the Regular Session of 1963, known as Article 1436b of the Penal Code of the State of Texas by amending Section 3 and Section 3(a) thereof providing that any person in any county of this State with more than one pound of mercury in his possession and who has not in his possession a bill of sale or other written evidence of title shall be guilty of a felony; providing penalties for violation of the terms of the Act; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Harrington:

S. B. No. 49, A bill to be entitled "An Act establishing the Public Employees Retirement System of Texas, pursuant to Subsection (c) of Art-

icle XVI of the Constitution of Texas, to provide certain retirement, disability and death benefits for officers and employees of counties or other political subdivisions of the State, and of political subdivisions of counties; authorizing any such subdivision (with stated exclusions) and its employees, as herein defined, to participate in such System upon determination made by the governing body of the subdivision; providing for the management and operation of the System, and for defraying the costs thereof; prescribing the benefits allowable under the System and eligibility therefor, and providing for the financing of the costs thereof; providing for voluntary merger into the statewide System hereby established of any locally-administered Fund or system heretofore or which may hereafter be established under subsection (b) of Section XVI of the Constitution of Texas; providing for the lending of not in excess of One Hundred Thousand Dollars (\$100,000.) to the System from the General Revenue Fund of the State of Texas, making an appropriation therefor, and providing for repayment by the System of such advancement; declaring the Act to be severable; and declaring an emergency."

To the Committee on State Affairs.

By Senator Berry:

S. B. No. 50, A bill to be entitled "An Act relating to the exemption from taxation of certain non-profit corporations formed to prevent cruelty to animals and to promote humane treatment of animals; amending Subdivision 7, Article 7150, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To the Committee on State Affairs.

By Senator Berry:

S. B. No. 51, A bill to be entitled "An Act regulating the hours of sale and delivery of liquor; amending Section 25, Article I, Texas Liquor Control Act, as amended (Article 666-25, Vernon's Texas Penal Code); and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Berry:

S. B. No. 52, A bill to be entitled "An Act regulating trading stamp

companies; providing a penalty; and declaring an emergency."

To the Committee on State Affairs.

By Senator Berry:

S. B. No. 53, A bill to be entitled "An Act providing that a trading stamp company's reserves for unclaimed trading stamps shall escheat to the State; requiring a trading stamp company to post a bond; providing for enforcement of the Act; providing a penalty; and declaring an emergency."

To the Committee on State Affairs.

By Senator Berry:

S. B. No. 54, A bill to be entitled "An Act relating to electioneering, loitering, and use of sound trucks near the polls; amending Sections 84 and 109, Texas Election Code (Articles 8.02 and 8.27, Vernon's Texas Election Code) and Article 259, Penal Code of Texas, 1925, as amended; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Berry:

S. B. No. 55, A bill to be entitled "An Act requiring a voter's residence telephone number to be shown on the voter registration certificate and on the list of registered voters; amending Section 47a and Subsection 1, Section 51a, Texas Election Code (Articles 5.15a and 5.19a, Vernon's Texas Election Code); and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Cole:

S. B. No. 56, A bill to be entitled "An Act requiring building permits for the building, erection or construction of any building or other structures, or for making improvements to any existing structure and for the moving of buildings; providing exemptions; providing for the issuance of permits by county tax collectors; providing a fee for permits; making the violation of this Act a misdemeanor and fixing penalties; and declaring an emergency."

To the Committee on State Affairs.

By Senator Cole:

S. B. No. 57, A bill to be entitled "An Act amending Section 57 of the Texas Probate Code to change the

age requirement for a person who may execute a Will from nineteen (19) years of age to eighteen (18) years of age and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Creighton:

S. B. No. 58, A bill to be entitled "An Act clarifying, revising, and amplifying laws relating to general, special, and primary elections held by the state, by counties, cities, and other political subdivisions of the state, and by political parties; amending certain existing sections of the Texas Election Code, repealing certain sections, and adding new sections, as follows: amending Section 1a (Article 1.01a, Vernon's Texas Election Code), relating to definitions; amending Section 3 (Article 1.03), relating to the duties of the Secretary of State as chief election officer of the state; amending Section 5 (Article 1.05), relating to ineligibility to be nominated for or elected or appointed to public office; amending Section 7 (Article 1.07), to delete the definition of "executive or administrative public office"; amending Subsection (g), Section 10 (Article 2.02), relating to formation and consolidation of election precincts; amending Subsection (b), Section 12 (Article 2.04), relating to formation of election precincts by the commissioners court; amending Subsection (a), Section 15 (Article 3.01), relating to appointment of election judges and clerks; amending Section 17 (Article 3.03), relating to qualifications of election judges, clerks and watchers; amending Section 21 (Article 3.07), relating to service, duties, and privileges of watchers; amending Section 22 (Article 3.08), relating to pay of election judges and clerks; adding Section 23a, relating to a school of instruction for election officers; amending Section 31 (Article 4.08), relating to the consequences of a tie vote; amending Section 32b (Article 4.11), relating to special elections for United States Representative; adding Section 35a, relating to an affidavit to be signed by all voters in a bond election or other election to lend credit, expend money, or assume any debt, and providing a penalty for giving false information in the affidavit; amending Section 37 (Article 5.05), relating to absentee voting, by amending Subdivision 2a, relating to

absentee voting by members of the armed forces and other organizations and accompanying individuals; by adding Subdivision 2b, relating to furnishing of absentee ballots and signing of the ballots by the clerk; by amending Subdivision 11, relating to posting of a list of persons to whom absentee ballots have been delivered, inspection by the public of applications and registration certificates, providing a criminal penalty for voting absentee and also voting at the election on election day, and requiring the clerk to deliver to each presiding judge a list of applicants for absentee voting for the precinct; and by amending Subdivision 17, relating to allocation of absentee votes for determining precinct representation in county conventions and preservation of precinct lists of absentee voters and persons voting a limited ballot; adding Section 37a, relating to voting by new residents of the state in presidential elections; adding Section 37b, relating to voting by former residents of the state in presidential elections; adding Section 37c, relating to voting by persons having less than six months residence in the county; adding Section 37d, relating to general provisions on voting by persons not meeting full residence requirements; amending Section 40 (Article 5.08), relating to rules for determining residence; amending Subsection (f), Section 58 (Article 6.02), relating to a loyalty affidavit; amending Section 61 (Article 6.05), relating to the form of the ballot; amending Section 61c (Article 6.05c), relating to the order of offices and names of candidates on the ballot; adding Section 62a, relating to write-in votes when the title of the office voted for is not on the ballot; amending Section 63 (Article 6.07), relating to the method of submission of constitutional amendments and other questions; amending Section 71 (Article 7.07), relating to the composition and duties of the county election board; amending Section 79 (Article 7.14), relating to voting machines, as follows: amending Section 14, relating to instructions and assistance for voters in the polls; amending Section 18, relating to procedures after the polls are closed, for recording the votes and reporting the results of the election; and adding Section 80, relating to electronic voting systems; amending Section 84

(Article 8.02), relating to procedures preliminary to opening the polls at polling places where paper ballots are used; amending Section 101 (Article 8.19), relating to deposit and counting of ballots; amending Section 104 (Article 8.22), relating to the death or declination of a nominee or candidate before an election; amending Section 105 (Article 8.23), relating to persons conducting an election revealing certain information before the polls are closed; amending Section 109 (Article 8.27), relating to loitering, electioneering, and using a sound truck within certain distances of the polls; amending Section 114 (Article 8.32), relating to time for delivery of returns and voted ballots to the county clerk, period for retention, and destruction of ballots, and containing a penalty; amending Section 125 (Article 8.43), relating to the county judge's certification of winning candidates and the number of precinct officers to the Secretary of State; amending Section 179a (Article 13.01a), defining who are members of organized political parties and containing a penalty; adding Section 166a, relating to a recount of paper ballots in certain situations; amending Section 182 (Article 13.04), relating to polling places of political parties in primary elections; amending Section 185a (Article 13.07a), relating to the deposit which must accompany the application of a candidate for a place on the ballot in a primary election; amending Section 186 (Article 13.08), relating to assessment of candidates by county executive committees to defray costs of primary elections; amending Section 186a (Article 13.08a), relating to assessment of candidates in counties having certain populations; amending Section 186b (Article 13.08b), relating to refund of fees and assessments upon the death, declination, withdrawal, or ineligibility of candidates in primary elections; amending Section 187 (Article 13.09), relating to the form of the primary ballot and limiting write-in votes; amending Subsections 2 and 3, and adding Subsection 2a, Section 190 (Article 13.12), relating to application for a place on the primary ballot, the effect of the death of a primary candidate, and the filing of lists of candidates; amending Subsections (1), and (2) (iii), Section 190a (Article 13.12a) and adding a new Subsection (8),

relating to nomination and election to fill an unexpired term at the general election where the vacancy in office arises too late for making nominations by regular nominating procedures; amending Section 194 (Article 13.16), relating to assessments of candidates for state senator or representative; amending Section 195 (Article 13.17), relating to the order of offices and names on the primary election ballot; amending Section 196a (Article 13.18a), relating to composition and procedures of district and precinct executive committees; amending Section 196b (Article 13.18b), relating to certification, recording, and mailing of lists of the names of elected party officers; amending Section 201 (Article 13.23), relating to delivery of primary election ballots to the county clerk; amending Section 202 (Article 13.24), relating to making of returns and canvass of results of primary elections; amending Section 204a (Article 13.26a), relating to the effect of withdrawal of a candidate in the second primary; amending Section 205 (Article 13.27), relating to the canvass of primary election returns by the state executive committee; amending Section 212 (Article 13.34), relating to the composition and conduct of state, senatorial district, county, and precinct conventions; amending Section 217 (Article 13.39), relating to certificates of nomination; amending Section 222, (Article 13.45), relating to nominations by parties receiving less than 200,000 votes for governor at the last preceding general election; amending Subsections (b) and (c), Section 233 (Article 13.56), relating to declination, death, or ineligibility of a party nominee before the general election; amending Section 242 (Article 14.06), relating to unlawful campaign expenditures and providing a penalty; amending Subsections (a), (c), (d), and (e), Section 243 (Article 14.07), relating to campaign contributions by corporations, and providing a penalty; amending Subsections (b), (g), (h), and (k), Section 244 (Article 14.08), relating to statements of campaign contributions and expenditures, and containing a penalty; amending Subsections (b) and (c), Section 246 (Article 14.10), relating to political advertising; transferring the provisions of Title 6 of the Texas Penal Code to a new Chapter 15 of the

Election Code, reconciling these provisions with repeal of the poll tax, standardizing the penalties, making necessary revisions consistent with other revisions of the Election Code, and deleting Chapters 9 and 10, relating to elections for constitutional amendments and elections of United States Senators; also transferring to the new Chapter 15, Articles 643 and 644, Penal Code of Texas, 1925, and Section 1, Chapter 38, Acts of the 43rd Legislature, Regular Session, 1933 (Article 643a, Vernon's Texas Penal Code); also amending Article 485, Penal Code of Texas, 1925, relating to carrying arms in any assembly; amending Sections 33, 34, 35, and 36½, Article I, Texas Liquor Control Act (Articles 666-33, 666-34, 666-35, and 666-36½, Vernon's Texas Penal Code), relating to local option liquor and beer elections; amending Articles 978, 1144, and 1158, Revised Civil Statutes of Texas, 1925, relating to city elections, amending Section 2, Chapter 467, Acts of the 59th Legislature, Regular Session, 1965 (Article 978a, Vernon's Texas Civil Statutes), relating to joint city and school district elections; amending Section 1, Chapter 4, Acts of the 41st Legislature, 4th Called Session, 1930 (Article 1735a, Vernon's Texas Civil Statutes), relating to issuance of mandamus to election officers; repealing the following sections of the Texas Election Code: Section 36 (Article 5.04), Section 63a (Article 6.08), Section 182A (Article 13.04A), Section 182b (Article 13.04b), Section 186a-1 (Article 13.08a-1), Section 186c (Article 13.08c), and Section 217a (Article 13.40); repealing the Penal Code provisions replaced by the new Chapter 15 of the Texas Election Code; providing for nonapplicability of the Act to elections ordered before its effective date; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Creighton:

S. B. No. 59, A bill to be entitled "An Act relating to the form of paper ballots and the method of marking paper ballots; amending Sections 61, 62, and 63, Texas Election Code, as amended (Articles 6.05, 6.06, and 6.07, Vernon's Texas

Election Code); and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Creighton:

S. B. No. 60, A bill to be entitled "An Act relating to absentee voting; amending Subdivisions 2 and 3, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code); and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Bates:

S. B. No. 61, A bill to be entitled "An Act providing for an offense for certain persons to record or wilfully overhear by means of instruments telephone or telegraph communications without permission, or to obtain or divulge such communications; providing a penalty in certain instances for the use or possession of instruments commonly used for eavesdropping; providing for ex parte orders to obtain such communications; providing penalties for violation of this Act; providing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Parkhouse, Brooks, Schwartz, Wade and Mauzy:

S. B. No. 62, A bill to be entitled "An Act authorizing the construction of improvements at certain institutions of The University of Texas System in Dallas, Houston, and Galveston, Texas; providing for a method of payment; and declaring an emergency."

To the Committee on Education.

By Senators Parkhouse, Hardeman, Herring, Moore and Aikin:

S. B. No. 63, A bill to be entitled "An Act to amend Article I, Section 3, membership, Subsection A, Paragraph 3; Section 4, Creditable Service, Subsection G, Military Service; Section 5, Benefits, Subsection B, Allowance for Service Retirement, Paragraph 1; Subsection C, Disability Retirement Benefits for Appointive Officers or Employees, Paragraphs 2, 3, and 6; Subsection E, Return of Accumulated Contributions, Para-

graphs 2, 3, 5, and 6; Section 7, Management of Funds, Subsection B; Section 8, Method of Financing, Subsection A, Paragraph 5 (a and b); Section 12, Amount of Benefits; Creditable Service, Subsections A, B, C, and D; of H. B. 902 Regular Session, 58th Legislature; providing an effective date; repealing laws in conflict herewith; providing a savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senators Parkhouse and Wade:

S. B. No. 64, A bill to be entitled "An Act authorizing cities with a population of 600,000 or more according to the last preceding Federal census that have provisions in their charters limiting their total bonded indebtedness to fixed amounts in dollars to incur total bonded indebtedness in an amount not exceeding ten (10%) per cent of the total assessed valuation of property shown by the last assessment roll of such a city, notwithstanding the limit of total bonded indebtedness fixed in dollars by the city charter is a lesser amount; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hightower:

S. B. No. 65, A bill to be entitled "An Act relating to livestock to be known as the Beef Cattle Feed Lot Licensing Act; defining terms used therein; stating the nature of the business and the purpose of the Act; providing for licensing to be required in some instances and made optional in others; setting standards of operation for licensed beef cattle feed lots; providing for license applications; setting fees for licenses and providing for the use thereof; providing for renewal; providing for terms, suspension, revocation, and reinstatement of licenses; authorizing judicial review; adding to the powers and duties of the Texas Animal Health Commission; specifying power and duties of the Director of the Texas Animal Health Commission; providing for payment of expenses of Commission members; authorizing investigations; setting penalties and authorizing suits for the enforcement thereof; repealing con-

flicting laws; providing severability; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Hightower:

S. B. No. 66, A bill to be entitled "An Act conferring the power of eminent domain upon the governing bodies of State Soil and Water Conservation Districts; making other provisions relating thereto; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Hightower:

S. B. No. 67, A bill to be entitled "An Act authorizing the State Soil and Water Conservation Board to receive and expend moneys for certain projects and programs; providing that the Board may enter into certain agreements and contracts; providing that the Board may construct, improve, maintain and operate certain structures and facilities; providing that the Board may purchase, lease or otherwise acquire, and administer certain projects and programs; providing that the Board may acquire and dispose of both real and personal property in furtherance of the purposes and provisions of this Act; providing that the Board may enact and promulgate certain rules and regulations; providing that certain funds received by the Board shall be deposited with the State Treasurer; providing for the manner in which such funds deposited with the State Treasurer may be withdrawn; making certain provisions relating to the Board's use of appropriations; providing that all laws or parts of laws in conflict with this Act are repealed to the extent of the conflict; providing a severability clause; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Harrington:

S. B. No. 68, A bill to be entitled "An Act amending Section 8, Chapter 152, Acts of the 59th Legislature, Regular Session, 1965 (Article 1970-126a, Vernon's Texas Civil Statutes), so as to allow the Commissioners Court of Jefferson County to set the salary of the Judge of the County Court of Jefferson County at



Law No. 2 at not more than \$19,800; providing for severability; repealing all laws in conflict and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Watson:

S. B. No. 69, A bill to be entitled "An Act appropriating additional funds for James Connally Technical Institute for the remainder of the fiscal year ending August 31, 1967; and declaring an emergency."

To the Committee on Finance.

By Senator Watson:

S. B. No. 70, A bill to be entitled "An Act appropriating funds to McLennan Community College for the remainder of the fiscal year ending August 31, 1967; and declaring an emergency."

To the Committee on Finance.

By Senators Watson, Wilson, Bernal, Harrington, Patman, Christie, Kennard and Wade:

S. B. No. 71, A bill to be entitled "An Act to provide a sick leave policy for all teachers employed in the Texas Public Free Schools, setting out the Minimum Sick Leave Program, providing for reports to and administration through the Central Education Agency, providing for financing from the State Foundation School Fund, to take effect for the 1967-68 school year and thereafter, providing a severability clause, and declaring an emergency."

To the Committee on Education.

By Senators Watson, Wilson, Bernal, Harrington, Kennard and Patman:

S. B. No. 72, A bill to be entitled "An Act authorizing Boards of Trustees of independent school districts, rural high school districts and common school districts, and their administrative personnel, to consult with teachers with respect to matters of educational policy and conditions of employment, and to adopt and make reasonable rules, regulations and agreements to provide for such consultation, and declaring an emergency."

To the Committee on Education.

By Senator Watson:

S. B. No. 73, A bill to be entitled "An Act abolishing the McLennan County Water Control and Improvement District—Bosqueville Hills; and repealing Chapter 29, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 8280-272, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Watson:

S. B. No. 74, A bill to be entitled "An Act relating to the appointment, compensation, and duties of a shorthand reporter for the 27th Judicial District of Texas; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Watson:

S. B. No. 75, A bill to be entitled "An Act amending Subsection (c), Section 1, Chapter 716, Acts of the 59th Legislature, Regular Session, 1965 (Article 326k-56, Vernon's Texas Civil Statutes); providing an increase in the maximum salary of the district attorney of the 19th, 54th, and 74th Judicial Districts; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Watson:

S. B. No. 76, A bill to be entitled "An Act amending Section 2b, Chapter 206, Acts of the 50th Legislature, 1947, as amended (Article 326k-12, Vernon's Texas Civil Statutes); relating to the salary of investigators and assistant district attorneys of McLennan County; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Watson and Word:

S. B. No. 77, A bill to be entitled "An Act relating to the salary of the clerk of each court of civil appeals; making an appropriation; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Watson and Word:

S. B. No. 78, A bill to be entitled



"An Act relating to travel and other necessary expenses of district judges and district attorneys paid by the state; amending Section 2, Chapter 231, Acts of the 56th Legislature, Regular Session, 1959 (Article 6823a, Vernon's Texas Civil Statutes); amending Article 6820, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 6823, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To the Committee on Finance.

By Senator Watson:

S. B. No. 79, A bill to be entitled "An Act relating to the election of school trustees in certain counties; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Watson:

S. B. No. 80, A bill to be entitled "An Act changing the name of the State Board of Chiropractic Examiners to the Texas State Board of Podiatry Examiners; construing the word chiropractic or chiropractist to mean podiatry or podiatrist whenever the word chiropractic or chiropractist is used in the laws of the State of Texas, including Chapter 11, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended, consisting of Article 4567 through Article 4575, inclusive, Revised Civil Statutes of Texas, 1925, as amended; increasing the annual renewal fee for a licensed podiatrist (heretofore chiropractist); increasing the per diem for members of the Texas State Board of Podiatry Examiners; authorizing the Texas State Board of Podiatry Examiners to institute an action in its own name to enjoin violation of any of the provisions of Chapter 11, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended, consisting of Article 4567 through Article 4575, inclusive, Revised Civil Statutes of Texas, 1925, as amended; making other provisions relating thereto; and declaring an emergency."

To the Committee on State Affairs.

By Senator Watson:

S. B. No. 81, A bill to be entitled "An Act to provide and require that time served as an employee of the Texas Agricultural Extension Service (A&M), county agricultural agent, county home demonstration agent,

assistant and/or associate county agricultural or county home demonstration agent shall be counted as teaching experience for salary increment purposes of the Foundation School Program Act; prescribing limitations and/or proviso with respect thereto; providing an effective date for this Act; and declaring an emergency."

To the Committee on Education.

By Senators Bernal, Wilson, Mauzy, Kennard, Brooks, Jordan, Schwartz, and Harrington:

S. B. No. 82, A bill to be entitled "An Act establishing a State Fair Wage Law, providing certain exemptions, making employers liable to employees for unpaid minimum wages; prohibiting discrimination against employees for claiming under this Act; authorizing employee suits including provision for damages for loss of wages, for liquidated damages, for reinstatements, for recovery of costs and attorney's fees; establishing certain administrative procedures including rule making and process for witness and for obtaining documents and records; providing for enforcement and for penalties; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Herring:

S. B. No. 83, A bill to be entitled "An Act amending Section 4, Chapter 469, Page 824, Acts 1951, 52nd Legislature to increase the annual renewal fee for a pharmacist's license not to exceed Twenty-Five Dollars (\$25.00); and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 84, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System to deposit in an appropriate university account all funds received as administrative fees or charges for services rendered to trust estates and to use such funds for educational purposes; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 85, A bill to be entitled

"An Act relating to mentally retarded persons and responsibility for their support and maintenance as students in State Schools; amending Section 21, Chapter 119, Acts of the 54th Legislature, 1955 (Article 3871b, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Education.

By Senators Jordan, Brooks and Mauzy:

S. B. No. 86, A bill to be entitled "An Act prescribing matters pertaining to labor management relations in this state; declaring public policy and purpose; defining terms; providing for requests for recognition and certification election; prohibiting certain strikes and picketing; providing election duties of Commissioner of the Bureau of Labor Statistics; providing rights, duties and obligations of employees, labor organization and employers; prescribing means of enforcement and prevention of violation of the Act; making limitations and exemptions; providing severability; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senators Aikin, Parkhouse, Grover, Harrington, Mauzy and Hazlewood:

S. B. No. 87, A bill to be entitled "An Act providing for payment by the Teachers Retirement System of Texas of supplemental service retirement benefits as herein prescribed to each person who has retired as a teacher member prior to the effective date of this Act; prescribing the amount of such benefit, its duration, and source from which such benefits are to be paid; defining certain terms as used herein; declaring the Act to be cumulative; and declaring an emergency."

To the Committee on Education.

By Senators Aikin and Strong:

S. B. No. 88, A bill to be entitled "An Act to amend Subsection (b) of Section 2 of Article V, Senate Bill No. 116, Chapter 334, 51st Legislature, Regular Session, 1949, as last amended by Senate Bill No. 4, Chapter 438, Acts, 59th Legislature, 1965, so as to establish a minimum salary for school bus drivers; providing additional

funds required; and declaring an emergency."

To the Committee on Education.

By Senators Parkhouse, Hardeman, Herring, Aikin and Moore:

S. J. R. No. 3, Proposing an amendment to Subsection (a) of Section 62, Article XVI of the Constitution of Texas, relating to establishment of a retirement, disability and death compensation fund for officers and employees of the State, so as to create as an agency of the State of Texas the Employees Retirement System of Texas, vesting the general administration and responsibility of the proper operation of said system in a state board of trustees to be known as the State Board of Trustees of the Employees Retirement System of Texas, authorizing said Board to invest assets of said system in various obligations and subjects of investment, subject to certain restrictions stated therein and such other restrictions as may hereafter be provided by law; providing that contributions of members and the State shall not exceed at any time six per centum (6%) of the compensation paid to each such person by the State; providing that such Amendment shall be self-enacting; providing for the necessary election, form of ballot, proclamation, and publication.

To the Committee on Constitutional Amendments.

By Senators Watson, Wilson, Bernal, Harrington, Kennard and Wade:

S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas, amending Section 48a of Article III thereof, so as to provide for contributions on the basis of the full salary of members of the Teacher Retirement System; providing for the submission of the proposed amendment to a vote of the people at an election and for proclamation and publication thereof.

To the Committee on Constitutional Amendments.

#### Senate Concurrent Resolution 6

Senator Cole offered the following resolution:

S. C. R. No. 6, Granting E. S. Dalton and wife, Lois E. Dalton, their

successors and assigns permission to sue the State of Texas.

Whereas, E. S. Dalton and wife, Lois E. Dalton, of Waller County, Texas, allegedly signed and delivered a deed as grantors to the state, acting through the Texas Highway Commission, as grantee; and

Whereas, The deed purported to convey for road right-of-way purposes a 71.923-acre tract of land out of a larger tract containing 372.36 acres, more or less; and

Whereas, The 372.36-acre tract consists of two tracts containing 312.36 and 60 acres, respectively, in the William Cooper Survey, Abstract 20, Waller County, Texas, all of which tracts are described in the deed recorded in Volume 178, Page 502, Deed Records of Waller County, Texas; and

Whereas, E. S. Dalton and wife, Lois E. Dalton, were allegedly induced to sign and deliver the deed by reliance on misrepresentations, false promises, and misstatements, either intentionally or mistakenly made by the state's agents; and

Whereas, As an alleged result of these misrepresentations, false promises, and misstatements, the state's agents have unlawfully entered upon, dispossessed, and taken the 71.923-acre tract, together with a large quantity of topsoil, from the Daltons; now, therefore, be it

**RESOLVED**, by the Senate of the State of Texas, the House of Representatives concurring, that

(1) E. S. Dalton and wife, Lois E. Dalton, their successors and assigns, are granted permission to sue the State of Texas in a court of competent jurisdiction for cancellation of the deed, damages resulting from the state's alleged conduct, and other relief to which they may show themselves entitled;

(2) if suit is filed, service of citation and other required process shall be made upon the Attorney General of Texas and upon the Chairman of the State Highway Commission; and

(3) the suit shall be conducted as in other civil cases; and, be it further

**RESOLVED**, that

(1) nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of

liability or of the truth of any allegation asserted by the claimants, but the alleged cause of action must be proved under the laws of this state as in other cases;

(2) nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions; and

(3) every defense is specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
January 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 87, An Act making supplemental appropriations to the Water Development Board, to the Coordinating Board, Texas College and University System, and to the Attorney General's Office; repealing laws in conflict; and declaring an emergency.

S. B. No. 1, An Act making voter registration lists for the voting year of 1966 the controlling lists for runoff election held during February, 1967; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill on First Reading

The following bill received from the House was read the first time and referred to the Committee indicated:

H. B. No. 1, To the Committee on Finance.

#### Co-Authors of Senate Bill 16

On motion of Senator Aikin and by unanimous consent Senators Christie and Brooks will be shown as Co-authors of S. B. No. 16.

### Motion to Place Senate Bill 32 on Second Reading

Senator Herring moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 32 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—24

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Creighton	Reagan
Grover	Schwartz
Hardeman	Watson
Harrington	Wilson
Herring	Word

Nays—6

Blanchard	Kennard
Connally	Strong
Hazlewood	Wade

Absent—Excused

Hall

### Senate Bill 44 on Second Reading

Senator Parkhouse moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 44 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Hall

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 44, A bill to be entitled "An Act constituting a local law for maintenance of public roads and highways of Dallas County, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Senate Bill 44 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Hall

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Connally
Bates	Creighton
Bernal	Grover
Berry	Hardeman
Blanchard	Harrington
Brooks	Hazlewood
Christie	Herring
Cole	Hightower

Jordan	Reagan
Kennard	Schwartz
Mauzy	Strong
Moore	Wade
Parkhouse	Watson
Patman	Wilson
Ratliff	Word

Absent--Excused

Hall

#### Presentation of Guests

Senator Hightower by unanimous consent presented as guests of the Senate today Mayor M. B. Hood and Mr. Woody Allen of Plainview.

#### House Concurrent Resolution 10 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 10, In memory of R. W. Fair.

The resolution was read.

On motion of Senator Strong and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

#### Committee to Escort The Honorable Dean Rusk to Joint Session

The President announced the appointment of the following as a Committee to escort the Honorable Dean Rusk, Secretary of State, to Joint Session pursuant to the provisions of H. C. R. No. 4 and H. C. R. No. 14:

Senators Hazlewood, Moore, Strong, Schwartz and Berry.

#### Bill and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolution:

S. B. No. 1, A bill to be entitled "An Act making voter-registration lists for the voting year of 1966, the controlling lists for run-off elections held during February, 1967; and declaring an emergency."

S. C. R. No. 5, In memory of John W. Runyon.

#### Senate Resolution 39

Senator Hardeman offered the following resolution:

Whereas, We deem it necessary and to the best interests of the people of the State of Texas that a Senate General Investigating Committee be appointed, having the powers as hereinafter set forth; now, therefore, be it

RESOLVED By the Senate of the State of Texas:

Section 1. That the Lieutenant-Governor be, and he is hereby authorized to appoint a committee of five members of the Senate to sit at such times and places between the adjournment of the 60th Legislature and the date of the convening of the Regular Session of the 61st Legislature, as may to said committee seem necessary and proper; and the committee shall continue the inquiries heretofore begun by the committee heretofore authorized and appointed relative to law violations and the administration of all State laws and any of the matters pertaining to or affecting the revenues of the State government, and the expenditures of taxes, fees, and assessments, and to inquire into any other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities in any way affect the financial or other welfare of the government and the citizens of Texas. Said committee shall make a study of any other governmental activity, and shall have authority to investigate and inquire into any such matters.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Sec. 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and pro-

duce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided for by General Law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, and to take possession of any files, records, papers in any department or agency of the State and to retain the same in its custody until any investigation in which such committee may be engaged, or undertaken is completed, including any county or political subdivision of this State, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.

Sec. 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, and give counsel and assistance to said com-

mittee on request of chairman or members of said committee.

Sec. 7. That said committee shall submit a report in writing to the 61st Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for, incident to the work of such committee, shall be paid out of the appropriation for mileage and contingent fund of the 60th Legislature and out of any fund otherwise appropriated by said Session of said Legislature for such purposes, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and contingent fund of said 60th Legislature to meet the payment of such expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

The resolution was read and was adopted.

#### Welcome and Congratulatory Resolutions

S. R. No. 35—By Senator Harrington: Extending congratulations to Blake Mackan of Roy Guest Elementary School of Jefferson County.

S. R. No. 37—By Senator Harrington: Extending welcome to Mr. and Mrs. Joe Mackan and children.

S. R. No. 38—By Senators Bernal, Cole, Mauzy, Kennard, Jordan, Brooks, and Schwartz: Extending welcome to the Reverend James L. Navarro, of Houston, the leader of the Valley Farm March.

S. R. No. 40—By Senator Herring: Extending welcome to students and teacher of Travis Heights Elementary School of Travis County.

S. R. No. 41—By Senator Herring: Extending welcome to students and teachers of Brentwood Elementary School of Austin.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:35 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

## APPENDIX

## Report of Standing Committee

Senator Hardeman submitted the following report:

Austin, Texas,  
January 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 1, A bill to be entitled "An Act making voter registration lists for the voting year of 1966 the controlling lists for run-off elections held during February, 1967; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

January 24, 1967

S. C. R. No. 5

## NINTH DAY

(Wednesday, January 25, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Hall

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leave of Absence

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

## Senate Concurrent Resolution 7

Senator Brooks offered the following resolution:

S. C. R. No. 7, Commending Wayne Stroud of Pasadena on heroism during fire in his home.

Whereas, The heroism of a 14-year-old boy, Wayne Stroud, who braved fire and smoke to save the lives of his sister, Holly, and a one-year-old cousin, Theresa, is acclaimed by all the citizens of Pasadena where the event took place; and

Whereas, Young Wayne, the son of Mr. and Mrs. R. W. Stroud, and his five sisters and brothers and two other children were in the house when fire broke out; and

Whereas, Noticing that all the children left the house but his sister, Holly, and the baby, Theresa Wilks, he groped his way through a hall filled with smoke to a back bedroom where they were; and

Whereas, He found the two girls and led them through flames and smoke to safety, without regard to his own danger; and

Whereas, It is appropriate that this young hero receive the recognition he so justly deserves; now, therefore, be it

Resolved by the Senate of the 60th Legislature, the House of Representatives concurring, That this resolution stand in tribute to the heroism of Wayne Stroud, son of Mr. and Mrs. R. W. Stroud, of Pasadena, Texas; and be it further

Resolved, That copies of this Resolution be prepared for the young Texan being honored at this time and for his proud parents in token of the appreciation of the Texas Legislature for his act of great courage.

The resolution was read.

On motion of Senator Brooks and